

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 485 of 2023

Paonam Khengba Meitei

Vrs.

State of Manipur & 3 ors.

...Petitioner/s

...Respondent/s

- B E F O R E -

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

04.08.2025

Heard Mr. N. Zequeson, learned counsel appearing for the petitioner and Mr. Shyam Sharma, learned GA appearing for the respondents.

[2] The present writ petition has been filed seeking for quashing the impugned letter dated **29-06-2022** of the Addl. Director General of Police (HG), Manipur, according approval for discharging of service of the Home Guards, order dated **30-06-2022** issued by the Commandant, Home Guards (VA), Manipur, calling off Home Guard Personnel from duty and striking off from the strength of Manipur Home Guards organization and order dated **30-06-2022** issued by the Commandant, Home Guards (VA), Manipur, discharging Home Guards personnel including the petitioner from duty for their gross misconduct.

[3] It has been submitted by the learned counsel appearing for the petitioner that the issue raised in the present writ petition is squarely covered by the judgment and order dated **25-06-2025** passed by this Court in three writ petitions, viz. WP(C) No. 539 of 2023, WP(C) No. 478 of 2022 and WP(C) No. 480 of 2022. It has further been submitted by the learned counsel that the present writ petitioner along with three other Home Guards personnel were discharged from service by the same letter and orders impugned in the present writ petition and that the said impugned letter and the orders have been quashed and set aside by this court by passing the aforesaid judgment and order. The learned counsel submitted that the present writ petition can be disposed of in terms of the said judgment and order passed by this Court by granting similar relief as has been granted to the other three Home Guards personnel.

[4] The operative portion of the said judgment and order are reproduced for ready reference:-

“[13] This Court has perused the materials on record, the submissions made at bar and the relevant law in this regard.

[14] It is an admitted fact that the three petitioner and another person were discharged and their names were struck off from the roll of Home Guards personnel of Manipur vide the common impugned order dated 30.06.2022. It is stated that the discharge order was issued on the recommendation of the enquiry report dated 16.06.2022 conducted by a Committee headed by Mr. Nishit Kumar Ujjwal, IPS, Inspector General of Police (Zone-III),

Manipur; Mr. Kabib. K, IPS, Dy. Inspector General of Police (Range-I) and Mr. Watham Basu Singh, MPS, Spl. AIG (Housing). This Court has examined minutely the sealed original file submitted by the learned GA. On perusal of the record, it is found that the Committee examined 118 Home Guard/MR/IRB personnel and other officials to ascertain the factum of collection of money by the petitioners and other. After examining all the materials on record, the Committee made three recommendations- (i) immediate detachment of approximate 85 MR/IRB personnel from the Commandant Home Guard office, (ii) discouraging any association with Home Guard Welfare Association involved in illegal collection of money, and (iii) restructuring of Home Guards and their deployment pattern. Thereafter, the four discharged personnel (including the three petitioners) were issued with similar show cause notices all dated 23.06.2023 to submit their comments/defence to the alleged misconduct of illegal collection of money from Home Guard personnel as found by the Committee and as admitted in their written statements. The petitioners submitted separate and similar replies all dated 25.06.2022 to the show cause notices denying the allegation of illegal collection of money from serving Home Guards personnel. It is also requested to furnish a copy of the alleged enquiry report and the written statements allegedly submitted by the petitioners. It has been prayed for dropping them from the charge. Vide letter dated 29.06.2022, Addl. Director General of Police (HG), Manipur informed the Commandant, Home Guards (VA), Manipur about the approval of discharge of four Home Guards personnel (including the three petitioners) from service for their gross misconduct. Thereafter, the Commandant, Home Guards (VA), Manipur issued the impugned order dated 30.06.2022 calling off the four personnel from duty and their names were stuck off from the strength of Manipur Home Guards organisation with immediate effect in public interest.

[15] It is seen that the discharge order was purportedly issued on the recommendation of the Committee's report dated 16.06.2022 and suggested three recommendations for reforms. However, on minute examination of the report, it does not suggest for the discharge of the four personnel (including the petitioners), even though some other persons were also named in the report. In the discharge order, it has been mentioned as issued in public interest, whereas the approval by Addl. DGP (HG) was for gross misconduct. The discharge order has not considered the replies submitted by the petitioners to the show cause notices. No charge was framed against the petitioners, nor

was any opportunity given to them to answer to the allegation of illegal collection of money. This Court is of the considered view that the alleged enquiry proceedings and the discharge order violate the principles laid down in Section 11(4) of the Manipur Home Guards Act, 1989 and Rule 9 of the Manipur Home Guards Rules, 1996. The Act and Rule contemplate a full-fledged enquiry, where the order of dismissal ought to be issued by recording reasons thereof and by affording a reasonable opportunity of being heard the personnel in their defence. Only after following all these mandatory steps, an order awarding punishment can be passed.

[16] In the present case, the State respondents have given a go-by to the mandatory provisions of Section 11 of the Act of 1989 and Rule 9 of the Rule of 1996. The basic tenets of the principles of natural justice have been flouted and the same cannot be ignored even if the statute is silent. In the case in hand, the statute stipulates availing of the opportunity of defending. Surprisingly, no memorandum of charge has been furnished to the petitioners and they have been discharged without affording any opportunity of presenting their case.

[17] In short, the order of discharge has been issued flouting the mandate of statute. This Court has no hesitation in setting aside the impugned discharge order dated 30.06.2022 issued by the Commandant, Home Guards (VA), Manipur with respect to the three petitioners. The respondents are directed to re-instate the petitioners to their service with full-service benefits, as the discharge order was issued in violation of the mandatory provisions of Section 11(4) of the Manipur Home Guards Act, 1989 and Rule 9 of the Manipur Home Guards Rules, 1996. However, the respondents have liberty to initiate appropriate proceedings against the petitioners as per rule, if so desired. It is made clear that this Court does not express any opinion on the merit of the case specially with respect to the allegation of misconduct against the petitioners."

[5] Mr. Shyam Sharma, learned GA appearing for the respondents fairly submitted that the present writ petitioner as well as the other three petitioners in the aforesaid three writ petitions were discharged from service by the same impugned order and that the impugned letters and impugned orders were quashed and set aside by

this Court by passing the above mentioned judgment and order dated 25-06-2025 in WP(C) No. 539 of 2023 and two other writ petitions. It has further been submitted by the learned GA that no appeal or review has been filed against the said judgment till today.

[6] Taking into consideration the submission advanced by the learned counsel appearing for the parties and on perusal of the records as well as the aforesaid judgment and order dated 25-06-2025, this Court is of the considered view that the issue raised in the present writ petition is squarely covered by the said judgment and order. Accordingly, the present writ petition is allowed in terms of the aforesaid judgment and order dated 25-06-2025 passed by this Court in WP(C) No. 539 of 2023 and other two writ petitions. Consequently, the impugned letter dated 29-06-2022 from the Addl. Director General of Police (HG), Manipur according approval for discharging the petitioner from service, orders dated 30-06-2022 issued by the Commandant, Home Guards (VA), Manipur, calling off and discharging the petitioner from service are hereby set aside.

[7] The respondents are further directed to reinstate the petitioner in service with full service benefits. It is, however, made clear that the respondents are at liberty to initiate proceeding against the petitioner as per rules if so advised.

[8] With the aforesaid direction, the present writ petition is disposed of.

JUDGE

Dhakeshori